**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

Writ Petition No. 1387 of 1990

Shri Sukhdev Hargopal Puri, Bombay .. Petitioner
V/s.
Union of India & Ors. .. Respondents

Mr. S.D. Puri Petitioner in person.
Dr. P. Daniel, Sr. Counsel with Mr. G. Hariharan for the Respondents

**CORAM : DR. S. RADHAKRISHNAN & J.H. BHATIA, JJ.**
**DATED : 26.07.2005.**

**P.C.:-**

1. In the above, the Petitioner had filed a Petition dated 2.4.1987 before the Commissioner of Income Tax seeking waiver of interest and penalties with regard to Assessment years 1976-77, 1977-78, 1978-79, 1979-80, 1980-81, 1981-82, 1982-83, 1983-84, 1984-85, 1985-86 and 1986-1987, as per the provisions of Section 273 A of Income Tax Act, 1961.

2. The Commissioner of Income Tax by his order dated 21st March, 1990 granted relief only for the Assessment years 1980-81 and 1981-82 and declined to grant relief for all other assessment years, by merely mentioning that the conditions for waiver are not satisfied for other assessment years.

3. At the relevant time, the relevant section 273 A (3) of Income Tax Act, 1961 read as under:-

> **"Section 273A(3)** Where an order has been made under sub-section (1) in favour of any person, whether such order relates to one or more assessment years, he shall not be entitled to any relief under this

section in relation to any other assessment year at any time after the making of such order."



4. A bare reading of the above provision makes it abundantly clear that the Commissioner of Income Tax as a one time measure can grant relief with regard to any number of assessment years. But once such a relief is granted, thereafter the Commissioner of Income Tax can not grant any further reliefs for other assessment years. In the above provision, the relevant words are "such order relates to one or more assessment years". Therefore the Commissioner of Income Tax is entitled to grant the relief with regard to penalty and interest as a one time measure, but not subsequently. In the instant case there was one application for several assessment years, hence the Commissioner of Income Tax ought to have granted relief for all assessment years and not restricted to only two assessment years.

5. Hence we hold that the Petitioner is entitled to waiver of interest and penalty for assessment years 1982-83 to 1986-87, accordingly the Respondents are directed to grant such a relief to the Petitioner. Rule is accordingly made absolute.

**(DR. S. RADHAKRISHNAN, J.)**

**(J.H. BHATIA, J.)**